

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 04-10306-PBS  
 )  
TREVOR CHARLTON )

**MOTION TO EXCLUDE TIME**

The government respectfully moves that this Court exclude from the calculation of the time within which the defendant must be brought to trial under the Speedy Trial Act, 18 U.S.C. § 3161, et seq. ("STA"), the period between the status conference on November 17, 2004 and the filing of the defendant's motion to suppress statements, currently scheduled for April 29, 2005. As grounds therefor, the United States states that at the November 17 status conference counsel for the defendant sought time to prepare motions to suppress evidence; and that on January 3, 2005, February 8, 2005, and April 7, 2005, the defendant sought and was permitted additional time to prepare any such motions, which, pursuant to the Court's order of April 19, 2005, are now to be filed on or before April 29, 2005. Time requested by a defendant to file motions is excludable under the STA. See United States v. Jodoin, 672 F.2d 232 (1<sup>st</sup> Cir. 1982). Accordingly, the government respectfully requests that the period from November 17, 2004 to and including April 29, 2005 be excluded from the calculation of time within which trial must commence.

The defendant, through his counsel, has assented to the exclusion of said period for purposes of the STA.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/Robert E. Richardson  
Robert E. Richardson  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

Suffolk, ss.

Boston, Massachusetts  
April 19, 2005

I, ROBERT E. RICHARDSON, hereby certify that I have caused a true copy of the foregoing to be served by electronic filing on J. Martin Richey, Federal Defender Office, 408 Atlantic Avenue, 3<sup>rd</sup> Floor, Boston, MA 02210.

/s/Robert E. Richardson  
ROBERT E. RICHARDSON  
Assistant U.S. Attorney